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500.35556C17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MIYAMOTO et al
Serial No.: 10/827,440
Filed: April 20, 2004
For: Information Recording Method
Art Unit: 2655
Examiner: A. Neyzari

RESPONSE

Mail Stop: Response (Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 2, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated August 4, 2005.

In setting forth the rejection of claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 12 of US Patent No. 6,219,331 and over claims 1 - 4 of US Patent No. 6,542,448, the Examiner recognizes that the alleged conflicting claims are not identical and that such rejection can be overcome by the filing of a terminal disclaimer.

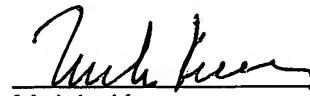
Without acquiescing in the propriety of the obviousness-type double patenting rejection as set forth by the Examiner, in order to expedite issuance of this application, submitted herewith a terminal disclaimer and the appropriate fee therefor. Thus, the rejection of claim 1 should now be overcome.

In view of the submission of the terminal disclaimer, applicants submit that claim 1 should now be in condition for allowance and issuance of a notice of allowance is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.35556C17), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Melvin Kraus', is written over a horizontal line.

Melvin Kraus
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Attachment